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| 09/889,016   | 10/15/2001  | Mitsuyuki Hatanaka   | 275732US6PCT                    | 4589                        |
| 22850  | 7590        | 01/15/2008           |                                 |                             |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>CHOWDHURY, NIGAR    |                             |
|  |             |                      | ART UNIT<br>2621                | PAPER NUMBER                |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/889,016 | Applicant(s)<br>HATANAKA ET AL. |  |
|                              | Examiner<br>Nigar Chowdhury   | Art Unit<br>2621                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 16 is objected to because of the following informalities: Claim 16 is repetition of claim 15. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 22-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 22 defines a **program storage medium** embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"-Guidelines Annex IV). That is, the scope of the presently claimed **program storage medium** can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

The examiner suggests amending the claim to embody the storage medium on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

3. Claims 23-30 are depending on claim 22. Therefore, claims 23-30 are also rejected for the same reason as discussed in the paragraph 2 above.

4. Claim 40 is rejected for the same reason as discussed in the corresponding paragraph 2 above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, 12, 13, 18, 22, 23, 27, 31, 32, 34, 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,752,244 by Rose et al.

6. Regarding **claim 1**, an information processor having a function to check out a content to a device connected thereto, the apparatus comprising:

- Means for recording the content to a recording medium (fig. 1, col. 3 lines 29-49);

- Means for setting, when the recording means has recorded the content, whether the recorded content has to be checked out to the connected device (fig. 1, col. 3 lines 50-col. 4 lines 40, col. 22 lines 40-col. 23 lines 10);
- Means for checking out the content recorded in the recording medium to the connected device when the recording means has recorded the content in case the setting means has set that the recorded content has to be checked out (fig. 1, col. 14 lines 55-col. 16 lines 51, col. 22 lines 40-col. 23 lines 10).

7. Regarding **claim 2**, the apparatus further comprising means for reading the content from the content recording medium in which is recorded, and wherein the recording means records the read content (fig. 1, col. 3 lines 29-col. 4 lines 41).

8. Regarding **claim 3**, the apparatus wherein the reading means reads from and optical disc being the content recording medium (fig. 1, col. 4 lines 11-26)

9. Regarding **claim 8**, the apparatus further comprising a communications means for receiving a content via a network, and wherein the recording means records the received content (fig. 1, col. 3 lines 29-49)

10. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 1 above.
11. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 2 above.
12. **Claim 18** is rejected for the same reason as discussed in the corresponding claim 8 above.
13. **Claim 22** is rejected for the same reason as discussed in the corresponding claim 1 above.
14. **Claim 23** is rejected for the same reason as discussed in the corresponding claim 2 above.
15. **Claim 27** is rejected for the same reason as discussed in the corresponding claim 8 above.
16. **Claim 31** is rejected for the same reason as discussed in the corresponding claim 1 above.
17. **Claim 32** is rejected for the same reason as discussed in the corresponding claim 2 above.
18. **Claim 34** is rejected for the same reason as discussed in the corresponding claim 2 above.
19. **Claim 38** is rejected for the same reason as discussed in the corresponding claim 8 above.
20. **Claim 39** is rejected for the same reason as discussed in the corresponding claim 1 above.

21. **Claim 40** is rejected for the same reason as discussed in the corresponding claim 1 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,752,244 by Rose et al.

23. Regarding **claim 4**, Rose discloses the apparatus wherein the reading means reads from an optical disc but fails to disclose the apparatus wherein the reading means read a semiconductor memory being the content recording medium.

It is noted that the use of semiconductor memory is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known semiconductor memory to store more information for viewer.

24. Claims 5-7, 9-11, 14-17, 19-21, 24-26, 28-30, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,752,244 by Rose et al. in view of US Patent No.6,931,531 by Takahashi.

25. Regarding **claim 5**, Rose discloses the apparatus further comprising means for reading the content from the content recording medium in which is recorded, and wherein the recording means records the read content (fig. 1, col. 3 lines 29-col. 4 lines 41) but fails to disclose the apparatus further comprising means for encrypting, by a predetermined method, the content data read by the reading means, and wherein the recording means records the encrypted content data to the recording medium.

Takahashi discloses the apparatus further comprising means for encrypting, by a predetermined method, the content data read by the reading means, and wherein the recording means records the encrypted content data to the recording medium (col. 9 lines 52-col. 12 lines 28).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Rose's system to include a encryption unit, as taught by Takahashi, to store secure information in a storage medium.

26. Regarding **claim 6**, Rose discloses the apparatus further comprising means for reading the content from the content recording medium in which is recorded, and wherein the recording means records the read content (fig. 1, col. 3 lines 29-col. 4 lines 41) but fails to disclose the apparatus further comprising means for changing the compression method by which the content data read by the reading means is compressed to a predetermined one, and wherein the recording means records the content data compressed by the predetermined method to a recording medium.



Takahashi discloses the apparatus further comprising means for changing the compression method by which the content data read by the reading means is compressed to a predetermined one, and wherein the recording means records the content data compressed by the predetermined method to a recording medium (col. 9 lines 52-col. 12 lines 28).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Rose's system to include a compression unit, as taught by Takahashi, for storing more information in a storage medium as compressed form.

27. **Claim 7** is rejected for the same reason as discussed in the corresponding claims 5 and 6 above.

28. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 5 above.

29. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 6 above.

30. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 7 above.

31. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 5 above.

32. **Claim 15** is rejected for the same reason as discussed in the corresponding claim 6 above.

33. **Claim 16** is rejected for the same reason as discussed in the corresponding claim 6 above.
34. **Claim 17** is rejected for the same reason as discussed in the corresponding claim 7 above.
35. **Claim 19** is rejected for the same reason as discussed in the corresponding claim 9 above.
36. **Claim 20** is rejected for the same reason as discussed in the corresponding claim 10 above.
37. **Claim 21** is rejected for the same reason as discussed in the corresponding claim 11 above.
38. **Claim 24** is rejected for the same reason as discussed in the corresponding claim 5 above.
39. **Claim 25** is rejected for the same reason as discussed in the corresponding claim 6 above.
40. **Claim 26** is rejected for the same reason as discussed in the corresponding claim 7 above.
41. **Claim 28** is rejected for the same reason as discussed in the corresponding claim 9 above.
42. **Claim 29** is rejected for the same reason as discussed in the corresponding claim 10 above.
43. **Claim 30** is rejected for the same reason as discussed in the corresponding claim 11 above.

44. **Claim 35** is rejected for the same reason as discussed in the corresponding claim 5 above.

45. **Claim 36** is rejected for the same reason as discussed in the corresponding claim 6 above.

46. **Claim 37** is rejected for the same reason as discussed in the corresponding claim 7 above.

47. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,752,244 by Rose et al.

48. Regarding **claim 33**, Rose discloses means for checking out the content recorded in the recording medium to the connected device when the recording means has recorded the content in case the setting means has set that the recorded content has to be checked out (fig. 1, col. 14 lines 55-col. 16 lines 51, col. 22 lines 40-col. 23 lines 10) but fails to disclose the apparatus wherein the progress displaying means displaying the progress of the recording by the recording means to the recording medium and that of the checkout by the checkout means of the content recorded in the recording medium by bars different in color from each other, respectively, and of which one overlaps the other.

It is noted that the use of progress bar is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known progress bar in different colors to make it easier for a viewer to understand.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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01/06/2008

  
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Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :08/30/2005,06/16/2005,07/10/2001.